

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Second Amended)	
Accusation Against:)	
)	
)	
CONRAD ROBERT MURRAY, M.D.)	Case No. 06-2009-200256
)	
Physician's and Surgeon's)	
Certificate No. G-71169)	
)	
Respondent)	
_____)	

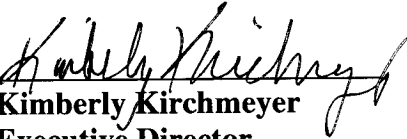
DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 30, 2014.

IT IS SO ORDERED July 23, 2014.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 TRINA L. SAUNDERS
Deputy Attorney General
4 State Bar No. 207764
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 620-2193
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Second Amended
Accusation Against:

12 CONRAD ROBERT MURRAY, M.D.

13 P.O. Box 72216
14 Las Vegas, NV 89170

15 Physician's and Surgeon's Certificate G-71169,
16 Respondent.

Case No. 06-2009-200256

OAH No. 2013110044

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California ("Board"). She brought this action solely in her official capacity and is represented
24 in this matter by Kamala D. Harris, Attorney General of the State of California, by Trina L.
25 Saunders, Deputy Attorney General.

26 2. Conrad Robert Murray, M.D. ("Respondent") is represented in this proceeding by
27 attorney J. Michael Flanagan, whose address is 1156 Brand Boulevard, Glendale, California
28 91202.

1 3. On April 22, 1991, the Medical Board of California issued Physician's and Surgeon's
2 Certificate number G-71169 to Respondent. That license was in full force and effect at all times
3 relevant to the charges brought in Accusation No. 06-2009-200256 and has expired.

4 JURISDICTION

5 4. A Second Amended Accusation in case number 06-2009-200256 was filed before the
6 Board and is currently pending against Respondent. The Second Amended Accusation and all
7 other statutorily required documents were properly served on Respondent on December 12, 2013.
8 Respondent timely filed a Notice of Defense contesting the charges. A copy of the Second
9 Amended Accusation in case number 06-2009-200256 is attached as Exhibit A and is
10 incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Second Amended Accusation No. 06-2009-200256. Respondent also
14 has carefully read, fully discussed with counsel, and understands the effects of this Stipulated
15 Surrender of License and Order.

16 6. Respondent is fully aware of his legal rights in this matter, including his right to a
17 hearing on the charges and allegations in the Second Amended Accusation; his right to be
18 represented by counsel, at his own expense; his right to confront and cross-examine the witnesses
19 against him; his right to present evidence and to testify on his own behalf; his right to the issuance
20 of subpoenas to compel the attendance of witnesses and the production of documents; his right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 8. Respondent admits that the truth of the First Cause for Discipline and the allegations
27 in support of same contained in the Second Amended Accusation No. 06-2009-200256, and
28

1 agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's
2 Certificate No. G-71169 for the Board's formal acceptance.

3 9. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
5 process.

6 CONTINGENCY

7 10. This stipulation shall be subject to approval by the Medical Board of California.
8 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
9 Board of California may communicate directly with the Board regarding this stipulation and
10 surrender, without notice to or participation by Respondent or his counsel. By signing the
11 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
12 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
13 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
14 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
15 action between the parties, and the Board shall not be disqualified from further action by having
16 considered this matter.

17 11. The Medical Board of California will process this action in the same manner that it
18 processes all disciplinary matters, which includes not holding a press conference or issuing a
19 press release.

20 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Surrender of License and Order, including Portable Document Format
22 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

23 13. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following Order:

25 ORDER

26 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. G-71169,
27 issued to Respondent Conrad Robert Murray, M.D., is surrendered and accepted by the Medical
28 Board of California.

1 The surrender of Respondent's Physician's and Surgeon's Certificate and the
2 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
4 of Respondent's license history with the Medical Board of California.

5 2 Respondent shall lose all rights and privileges as a physician and surgeon in
6 California as of the effective date of the Board's Decision and Order.

7 3 Respondent shall cause to be delivered to the Board his pocket license and, if one was
8 issued, his wall certificate on or before the effective date of the Decision and Order.

9 4 If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in Second
13 Amended Accusation No. 06-2009-200256 shall be deemed to be true, correct and admitted by
14 Respondent when the Board determines whether to grant or deny the petition.

15 ACCEPTANCE

16 I have carefully read the above Stipulated Surrender of License and Order and have fully
17 discussed it with my attorney, J. Michael Flanagan. I understand the stipulation and the effect it
18 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
19 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
20 Decision and Order of the Medical Board of California.

21
22 DATED: 6/20/14

23 
CONRAD ROBERT MURRAY, M.D.
Respondent

24 I have read and fully discussed with Respondent Conrad Robert Murray, M.D. the terms
25 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
26 approve its form and content.

27 DATED: 6/20/14

28 
J. MICHAEL FLANAGAN
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: *June 20, 2014*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General



TRINA L. SAUNDERS
Deputy Attorney General
Attorneys for Complainant

LA2012602155
61291428.doc

Exhibit A

Second Amended Accusation, MBC Case No. 06-2009-200256

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *December 12, 2013*
BY: *[Signature]* ANALYST

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 TRINA L. SAUNDERS
Deputy Attorney General
4 State Bar No. 207764
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 620-2193
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Second Amended
Accusation Against:

Case No. 06-2009-200256

12 CONRAD ROBERT MURRAY, M.D.

SECOND AMENDED ACCUSATION

13 Post Office Box 72216
14 Las Vegas, Nevada 89170

15 Physician's and Surgeon's Certificate No.
16 G71169,

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the interim Executive Director of the Medical Board of California, Department of
22 Consumer Affairs.

23 2. On or about April 22, 1991, the Medical Board of California issued Physician's and
24 Surgeon's Certificate Number G71169 to Conrad Robert Murray, M.D. (Respondent). That
25 license was in full force and effect at all times relevant to the charges brought herein. On January
26 11, 2011, following a preliminary hearing in Los Angeles Superior Court Case Number
27 SA073164, regarding involuntary manslaughter charges filed against Respondent relating to the
28 medical care of patient M.J., the court bound Respondent over for trial. As a condition of bail,

1 Respondent was prohibited from practicing medicine during the pendency of the criminal
2 proceedings. On February 28, 2011, Respondent's California Physician's and Surgeon's
3 Certificate expired. On November 7, 2011, Respondent was found guilty by jury verdict of
4 involuntary manslaughter and was incarcerated. On December 29, 2011, the Board issued an
5 Automatic Suspension Order of Respondent's Physician's and Surgeon's Certificate, pursuant to
6 Business and Professions Code section 2236.1. The certificate remains suspended and expired.

7 JURISDICTION

8 3. This Accusation is brought before the Medical Board of California (Board),
9 Department of Consumer Affairs, under the authority of the following laws. All section
10 references are to the Business and Professions Code unless otherwise indicated.

11 4. Section 2227 of the Code states:

12 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical
13 Quality Hearing Panel¹ as designated in Section 11371 of the Government Code, or whose default
14 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
15 action with the division, may, in accordance with the provisions of this chapter:

16 "(1) Have his or her license revoked upon order of the division.

17 "(2) Have his or her right to practice suspended for a period not to exceed one year upon
18 order of the division.

19 "(3) Be placed on probation and be required to pay the costs of probation monitoring upon
20 order of the division.

21 "(4) Be publicly reprimanded by the division.

22 "(5) Have any other action taken in relation to discipline as part of an order of probation, as
23 the division or an administrative law judge may deem proper.

24
25 ¹ Business and Professions Code section 2002, effective January 1, 2008, provides that,
26 unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act
27 (Bus. & Prof. Code, § 2000 *et seq.*) means the "Medical Board of California," and references to
28 the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision
of law shall be deemed to refer to the Board.

1 "(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
2 review or advisory conferences, professional competency examinations, continuing education
3 activities, and cost reimbursement associated therewith that are agreed to with the division and
4 successfully completed by the licensee, or other matters made confidential or privileged by
5 existing law, is deemed public, and shall be made available to the public by the board pursuant to
6 Section 803.1."

7 5. Section 2234 of the Code states:

8 "The Division of Medical Quality shall take action against any licensee who is charged with
9 unprofessional conduct. In addition to other provisions of this article, unprofessional conduct
10 includes, but is not limited to, the following:

11 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
12 violation of, of or conspiring to violate any provision of this chapter [Chapter 5, the Medical
13 Practice Act].

14 "(b) Gross negligence.

15 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
16 omissions. An initial negligent act or omission followed by a separate and distinct departure from
17 the applicable standard of care shall constitute repeated negligent acts.

18 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate
19 for the negligent diagnosis of the patient shall constitute a single negligent act.

20 "(2) When the standard of care requires a change in the diagnosis, act, or omission that
21 constitutes the negligent act described in paragraph (1), including, but not limited to, a
22 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
23 applicable standard of care, each departure constitutes a separate and distinct breach of the
24 standard of care.

25 "(d) Incompetence.

26 "(e) The commission of any act involving dishonesty or corruption which is substantially
27 related to the qualifications, functions, or duties of a physician and surgeon.

28 "(f) Any action or conduct which would have warranted the denial of a certificate."

1 6. Section 2305 of the Code states:

2 “The revocation, suspension, or other discipline, restriction, or limitation imposed by
3 another state upon a license or certificate to practice medicine issued by that state, or the
4 revocation, suspension, or restriction of the authority to practice medicine by any agency of the
5 federal government, that would have been grounds for discipline in California of a licensee under
6 this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the
7 licensee in the state.”

8 7. Section 141 of the Code states:

9 “(a) For any licensee holding a license issued by a board under the jurisdiction of the
10 department, a disciplinary action taken by another state, by any agency of the federal government,
11 or by another country for any act substantially related to the practice regulated by the California
12 license, may be a ground for disciplinary action by the respective state licensing board. A
13 certified copy of the record of the disciplinary action taken against the licensee by another state,
14 an agency of the federal government, or another country shall be conclusive evidence of the
15 events related therein.

16 “(b) Nothing in this section shall preclude a board from applying a specific statutory
17 provision in the licensing act administered by that board that provides for disciplinary action
18 taken against the licensee by another state, an agency for the federal government, or another
19 country.”

20 8. Section 2236 of the Code states:

21 “(a) The Conviction of any offense substantially related to the qualifications, functions,, or
22 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
23 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction
24 occurred.

25 “(b) The district attorney, city attorney, or other prosecuting agency shall notify the
26 Division of Medical Quality of the pendency of an action against a licensee charging a felony or
27 misdemeanor immediately upon obtaining information that the defendant is a licensee. The
28 notice shall identify the licensee and describe the crimes charged and the facts alleged. The

1 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
2 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
3 a license as a physician and surgeon.

4 “(c) The clerk of the court in which a licensee is convicted of a crime shall within 48 hours
5 after the conviction, transmit a certified copy of the record of conviction to the board. The
6 division may inquire into the circumstances surrounding the commission of a crime in order to fix
7 the degree of discipline or to determine if the conviction is of an offense substantially related to
8 the qualifications, functions, or duties of a physician and surgeon.

9 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
10 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
11 shall be conclusive evidence of the fact that the conviction occurred.”

12 9. Section 2236.1 of the Code states:

13 “(a) A physician and surgeon's certificate shall be suspended automatically during any time
14 that the holder of the certificate is incarcerated after conviction of a felony, regardless of whether
15 the conviction has been appealed. The Division of Medical Quality shall, immediately upon
16 receipt of the certified copy of the record of conviction, determine whether the certificate of the
17 physician and surgeon has been automatically suspended by virtue of his or her incarceration, and
18 if so, the duration of that suspension. The division shall notify the physician and surgeon of the
19 license suspension and of his or her right to elect to have the issue of penalty heard as provided in
20 this section.

21 “(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is
22 determined there from that the felony of which the licensee was convicted was substantially
23 related to the qualifications, functions, or duties of a physician and surgeon, the Division of
24 Medical Quality shall suspend the license until the time for appeal has elapsed, if no appeal has
25 been taken, or until the judgment of conviction has been affirmed on appeal or has otherwise
26 become final, and until further order of the division. The issue of substantial relationship shall be
27 heard by and administrative law judge from the Medical Quality Panel sitting alone or with a
28 panel of the division, in the discretion of the division.

1 “(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section
2 2237, or a conviction of Section 187, 261, 262 or 288 of the Penal Code, shall be conclusively
3 presumed to be substantially related to the qualifications, functions, or duties of a physician and
4 surgeon and no hearing shall be held on this issue. Upon its own motion or for good cause
5 shown, the division may decline to impose or may set aside the suspension when it appears to be
6 in the interest of justice to do so, with due regard to maintaining the integrity of and confidence in
7 the medical profession.

8 “(d) (1) Discipline may be ordered in accordance with Section 2227, or the Division of
9 Licensing may order the denial of the license when the time for appeal has elapsed, the judgment
10 of conviction has been affirmed on appeal, or an order granting probation is made suspending the
11 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code
12 allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, setting
13 aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

14 “(2) The issue of penalty shall be heard by an administrative law judge from the Medical
15 Quality Panel sitting alone or with a panel of the division, in the discretion of the division. The
16 hearing shall not be had until the judgment of conviction has become final or, irrespective of a
17 subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been
18 made suspending the imposition of sentence; except that a licensee may, at his or her option, elect
19 to have the issue of penalty decided before those time periods have elapsed. Where the licensee
20 so elects, the issue of penalty shall be heard in the manner described in this section at the hearing
21 to determine whether the conviction was substantially related to the qualifications, functions, or
22 duties of a physician and surgeon. If the conviction of a licensee who has made this election is
23 overturned on appeal, any discipline ordered pursuant to this section shall automatically cease.

24 Nothing in this subdivision shall prohibit the division from pursuing disciplinary action
25 based on any cause other than the overturned conviction.

26 “(e) The record of the proceedings resulting in the conviction, including a transcript of the
27 testimony therein, may be received in evidence.

“(f) The other provisions of this article setting forth a procedure for the suspension or revocation of a physician and surgeon's certificate shall not apply to proceedings conducted pursuant to this section.”

10. Section 1360 of Title 16 of the California Code of Regulations states:

“For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or future potential unfitness of a person holding a license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate directly or indirectly or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act.”

11. Section 118, subdivision (b), of the Code states, in relevant part, as follows:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department [...] shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

12. Respondent is subject to disciplinary action under Business and Professions Code section 2236, and 2236.1 based on his conviction of a crime which is substantially related to the qualifications, functions or duties of a physician. The circumstances are as follows:

13. On February 8, 2010, in a criminal proceeding entitled, *People of the State of California v. Conrad Murray*, Los Angeles Superior Court Case Number SA073164, Respondent was charged with the involuntary manslaughter of his patient M.J. Respondent pled not guilty.

1 14. On November 7, 2011, following a jury trial, Conrad Murray, M.D., was found guilty
2 of one count of involuntary manslaughter as alleged in Count 1 of the felony complaint which
3 stated as follows:

4 “On or about June 25, 2009, in the County of Los Angeles, the crime of involuntary
5 MANSLAUGHTER, in violation of PENAL CODE SECTION 192(b), a Felony, was
6 committed by CONRAD ROBERT MURRAY, who did unlawfully and without malice,
7 kill MICHAEL JOSEPH JACKSON, a human being, in the commission of an unlawful act,
8 not amounting to a felony; and in the commission of a lawful act which might have
9 produced death, in an unlawful manner, and without caution and circumspection.”²

10 At the time of the offense in question the victim was a patient of Respondent and receiving
11 medical care. Following the reading of the verdict, Respondent was denied bail and remanded
12 into custody.

13 15. On November 29, 2011, the court sentenced Respondent to the upper term of four (4)
14 years in prison, to be served in the Los Angeles County Jail, pursuant to the provisions of Penal
15 Code section 1170³. The circumstances with respect to the conviction are as follows:

16 16. From April, 2009, through June 25, 2009, the date of patient M.J.’s death,
17 Respondent acted as M.J.’s personal physician.

18 17. Respondent’s conviction is substantially related to the practice of medicine within the
19 meaning of section 2236 and 2236.1 of the Code. His acts and omissions in the treatment and
20 care of patient M.J. resulted in manslaughter. Therefore, cause for discipline exists.

21 ² Penal Code section 192, subdivision (b), defines involuntary manslaughter as follows:
22 “Manslaughter is the unlawful killing of a human being without malice. It is of three kinds: [...]
23 (b) Involuntary — in the commission of an unlawful act, not amounting to felony; or in the
24 commission of a lawful act which might produce death, in an unlawful manner, or without due
caution and circumspection. This subdivision shall not apply to acts committed in the driving of a
vehicle.”

25 ³ Penal Code section 1170 (b), states in pertinent part that, “when a judgment of
26 imprisonment is to be imposed and the statute specifies three possible terms, the court shall order
27 imposition of the middle term, unless there are circumstances in aggravation or mitigation of the
28 crime. [...] The court shall set forth on the record the facts and reasons for imposing the upper or
lower term.”

1 PRAYER

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

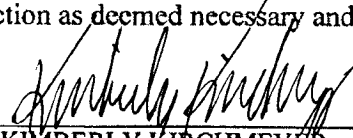
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G71169,
5 issued to Conrad Robert Murray, M.D.;

6 2. Revoking, suspending or denying approval of his authority to supervise physician's
7 assistants, pursuant to section 3527 of the Code;

8 3. Ordering him to pay the Medical Board of California the costs of probation
9 monitoring if the Respondent is placed on probation;

10 4. Taking such other and further action as deemed necessary and proper.

11 DATED: December 12, 2013


KIMBERLY KIRCHMEYER
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

16 LA2012602155
17 60806388.doc
18
19
20
21
22
23
24
25
26
27
28